

21 C.J.S. Courts § 36

Corpus Juris Secundum | May 2023 Update

Courts

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II. Jurisdiction of Courts

C. Jurisdiction of Subject Matter or Cause of Action

2. Amount in Controversy Within Subject Matter Jurisdiction

b. Determination of Amount in Controversy Within Subject Matter Jurisdiction

§ 36. Splitting demands or causes of action affecting amount in controversy for subject matter jurisdiction

[Topic Summary](#) | [References](#) | [Correlation Table](#)

West's Key Number Digest

West's Key Number Digest, [Courts](#) 169(8)

A cause of action which is single and indivisible in its nature cannot be split into a number of small claims which would be within the jurisdiction of a court whose jurisdiction does not extend to the entire claim, but when a plaintiff commences multiple small claims and/or commercial claims simultaneously arising out of separate claims which in the aggregate exceed the court's monetary jurisdiction, the claims may be entertained if each claim is clearly divisible.

Generally, a cause of action may not be split to accommodate the court's subject matter jurisdictional amount limitations¹ since the cause of action must be valued as a whole in making the amount-in-controversy determination.² For example, a claim for special damages cannot be split

from a claim for general damages for the same injury in circumvention of the court's jurisdictional amount limitations, even as to claims brought by separate marital partners,³ nor may a single plaintiff's claims for unpaid charges and late fees be separated into two actions to circumvent the jurisdictional limit.⁴

An exception applies if the claims are clearly divisible⁵ as is determined from the intention of the parties in the case of a contract.⁶

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Footnotes

1 La.—[Thompson v. State Farm Mut. Auto. Ins. Co.](#), 58 So. 3d 499 (La. Ct. App. 3d Cir. 2011).
N.Y.—[Conway v. Dejesu Maio and Associates](#), 44 Misc. 3d 277, 986 N.Y.S.2d 789 (Dist. Ct. 2014).

2 N.Y.—[Conway v. Dejesu Maio and Associates](#), 44 Misc. 3d 277, 986 N.Y.S.2d 789 (Dist. Ct. 2014).

3 La.—[Thompson v. State Farm Mut. Auto. Ins. Co.](#), 58 So. 3d 499 (La. Ct. App. 3d Cir. 2011).

4 N.Y.—[Swiss Hamlet Homeowners Associates, Inc. v. Souza](#), 13 Misc. 3d 87, 827 N.Y.S.2d 432 (App. Term 2006).

5 N.Y.—[A & J Enterprise Solutions, Inc. v. Business Applications Outsourcing Technologies, Inc.](#), 11 Misc. 3d 173, 812 N.Y.S.2d 226 (Dist. Ct. 2005).

6 N.Y.—[Delson Communications v. MTI/The Image Group, Inc.](#), 11 Misc. 3d 235, 812 N.Y.S.2d 289 (N.Y. City Civ. Ct. 2005), aff'd, 18 Misc. 3d 114, 854 N.Y.S.2d 838 (App. Term 2007).

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